

Message Text

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ACTION IO-10

INFO OCT-01 CIAE-00 CU-02 INR-07 NSAE-00 USIA-06 EUR-12

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NESCO

E.O. 11652: N/A

TAGS:AORG, OCON, UNESCO

SUBJECT: CANCELLATION OF MEETINGS SCHEDULED BY
GENERAL CONFERENCE

REF: (A) STATE 1355: (B) PARIS 33826

1. IN ANSWER TO QUERY IN REFTEL (A), UNESCO LEGAL ADVISER HAS STATED TODAY THAT THERE IS NO RPT NO SPECIFIC LEGAL AUTHORITY FOR THE EXECUTIVE BOARD TO CANCEL A MEETING SCHEDULED TO BE HELD PURSUANT TO A GENERAL CONFERENCE RESOLUTION.

2. INFO PROVIDED IN PARA. 7 OF REFTEL (B) SHOULD THEREFORE NOT BE INTERPRETED AS MEANING SUCH EXPLICIT AUTHORITY EXISTS. WHAT THE LEGAL ADVISER MEANT AND WHAT HE HAS RESTATED TO USDEL TODAY WAS THAT UNDER UNESCO CONSTITUTION THE XBD HAS A BROAD RESPONSIBILITY FOR THE EXECUTION OF DECISIONS AND PROGRAMS ADOPTED BY THE GENCONF. IN FULFILLING THIS RESPONSIBILITY THE EXBD "SHALL TAKE ALL NECESSARY MEASURES TO INSURE THE EFFECTIVE AND RATIONAL EXECUTION OF THE PROGRAM BY THE DIRECTOR-GENERAL." (ARTICLE V, B,
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PARA 5 (B) OF THE CONSTITUTION.)

3. IT IS THIS REFERENCE TO "EFFECTIVE AND RATIONAL EXECUTION" OF THE PROGRAM, THE LEGAL ADVISER HAS OBSERVED, THAT COULD BE INVOKED BY THE MEMBERS OF THE EXBD IF THEY FEEL THAT A PRIOR GENCONF DIRECTIVE DOES NOT LEND ITSELF TO IMPLEMENTATION OR THAT THE GENCONF WOULD NOT HAVE ADOPTED A SPECIFIC MEASURE HAD IT BEEN AWARE AT THAT TIME THAT ITS IMPLEMENTATION WOULD RUN CONTRARY TO THE CONSTITUTION OF THE ORGANIZATION.

4. ASSUMING THAT THE EXBD COULD HAVE ARRIVED AT SUCH A POSITION VIS-A-VIS THE QUESTION AT HAND, WHICH AT BEST IS VERY DOUBTFUL, IT WILL NOT MEET BEFORE NEXT APRIL. UNDER ARTICLE V, B, PARA. 8 OF UNESCO CONSTITUTION A SPECIAL SESSION OF EXBD CAN ONLY BE CONVOKED BY THE CHAIRMAN OF HIS OWN INITIATIVE OR UPON THE REQUEST OF SIX MEMBERS OF THE BOARD.

5. WE THEREFORE HAVE TO CONCLUDE THAT THE WHOLE QUESTION OF OUTRIGHT CANCELLATION OF MEETINGS SCHEDULED BY GENCONF IS NOT REALISTIC.
RUSH

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